Message

From: Henry, Tala [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8BFC0A617A4A43BAA8856541C70622BE-THENRY02]
Sent: 5/21/2021 1:35:23 PM
To: Le, Madison [Le.Madison@epa.gov]
Subject: RE: OCSPP News for May 20, 2021

Cool!

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

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From: Le, Madison <Le.Madison@epa.gov>
Sent: Friday, May 21, 2021 9:24 AM
To: Henry, Tala <Henry.Tala@epa.gov>
Subject: RE: OCSPP News for May 20, 2021

We do intend to revamp the stats page, and we can aim increasing frequency of updates from monthly to every two weeks. We plan to brief you with the mock up webpage stats either at the next or following weekly.

Madison H. Le
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New Chemicals Division
USEPA/OCSPP/OPPT
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From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Friday, May 21, 2021 9:03 AM
To: Le, Madison <Le.Madison@epa.gov>
Subject: FW: OCSPP News for May 20, 2021

See press below, setting expectation for more frequent NC stats updates

Tala R. Henry, Ph.D.
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From: OCSPPNews <OCSPPNews@epa.gov>
Sent: Thursday, May 20, 2021 5:24 PM
To: Blair, Susanna <Blair.Susanna@epa.gov>; Carlisle, Sharon <Carlisle.Sharon@epa.gov>; Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Diaz, Catherine <Diaz.Catherine@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Freedhoff, Michal <Freedhoff.Michal@epa.gov>; Garcia, Beth <garcia.beth@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>;

Hanley, Mary <Hanley.Mary@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Harwood, Laura <Harwood.Laura@epa.gov>; Hauff, Amanda <Hauff.Amanda@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hughes, Hayley <hughes.hayley@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Kochis, Daniel <Kochis.daniel@epa.gov>; Kramer, George <Kramer.George@epa.gov>; Labbe, Ken <Labbe.Ken@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Nguyen, Khanh <Nguyen.Khanh@epa.gov>; OPP Branch Chiefs <OPP_Branch_Chiefs@epa.gov>; OPP Deputy & Associate Directors <OPP_Deputy_&_Associate_Directors@epa.gov>; OPP Division Directors <OPP_Division_Directors@epa.gov>; OPP IO <OPP_IO@epa.gov>; OPPT Managers <OPPT_Managers@epa.gov>; OPS CSID CB <OPS_CSID_CB@epa.gov>; Parsons, Doug <Parsons.Douglas@epa.gov>; Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Pinto, Ana <Pinto.Ana@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>; Romanovsky, Anna <Romanovsky.Anna@epa.gov>; Schmit, Ryan <schmit.ryan@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Smith, Carolyn <smith.carolyn@epa.gov>; Sullivan, Melissa <sullivan.melissa@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Vendinello, Lynn <Vendinello.Lynn@epa.gov>; Vernon, Jennifer <Vernon.Jennifer@epa.gov>
Subject: OCSPP News for May 20, 2021

OCSPP Daily News Round-Up

Toxics

- Chemical Watch 05/20; US litigation round-up
- Chemical Watch 05/20; US EPA round-up
- Chemical Watch 05/20; What would substance-wide TSCA risk determinations and other new approaches mean for stakeholders?
- E&E News 05/20; Dems tell EPA to do better on health warnings
- E&E News 05/20; Lawmakers pressure EPA, other agencies on PFAS
- E&E News 05/20; Greens threaten lawsuit over PVC waste management
- Inside TSCA 05/19; Industry Seeks Narrow New York Dioxane Rule, Ducking EPA Preemption
- Inside TSCA 05/19; Environmentalists Attack Industry's 'Negligence' In Call To Tighten PBT Rules
- Inside TSCA 05/19; Vermont Adopts Novel PFAS Ban As Industry Downplays Chemicals' Use

Pesticides

- Bloomberg Law 05/20; Bayer Questioned by Judge on Future Claims Settlement Plan (3)
- DTN Progressive Farmer 05/19; EPA Wants Roundup Redo
- EcoWatch (Common Dreams) 05/20; EPA Admits to Faulty Glyphosate Review Under Trump but Still Won't Take It off U.S. Market
- Law Week Colorado 05/20; Federal Appeals Court Directs EPA to Decide on Harmful Pesticide
- The Counter 05/20; Pesticide laws fail to protect the most vulnerable people in agriculture: children

Blog/OpEd/Other

- Bergeson & Campbell Blogs 05/20; EPA OPPT Strategic Plan for FYs 2021-2023 Outlines Six Priority Areas

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US litigation round-up
N/A, Chemical Watch
https://chemicalwatch.com/268716/us-litigation-round-up

Industry groups weigh in on Prop 65 constitutionality challenge
Roughly two dozen industry groups and legal think tanks filed briefs this week asking the US Court of Appeals for the Ninth Circuit to uphold a lower court's decision barring California from requiring Proposition 65 warning labels for the herbicide glyphosate.

The American Chemistry Council (ACC) and the US Chamber of Commerce were part of a broad group of food, retail and business organisations to file briefs in support of Monsanto and other agricultural industry groups, in a case that could open new doors for industry to challenge the constitutionality of the state's controversial right-to-know scheme.

Last June, a federal district court said the Prop 65 warning requirement for glyphosate violated businesses' free speech rights because it compelled them to warn about the substance's carcinogenicity when the underlying science was disputed.

"This case is an example of the implementation of a law [Prop 65] expanding over time beyond the sensible boundaries of that law", the ACC said in its brief filed with more than ten other groups.

Anti-asbestos advocates want single judge overseeing cases
Public health groups involved in multiple legal challenges over the US EPA's actions on asbestos have asked for a single judge to oversee at least two of the proceedings.

The Asbestos Disease Awareness Organization (ADAO) and other groups suing the EPA to get a clear schedule for the completion of a supplemental TSCA risk evaluation of asbestos have asked that the case be assigned to the same federal judge presiding over a separate case calling on the EPA to expand company reporting requirements for asbestos.

That same judge, Ed Chen, is also overseeing a separate legal challenge over a TSCA petition related to water fluoridation.

US EPA round-up
N/A, Chemical Watch
https://chemicalwatch.com/268714/us-epa-round-up

Consultation begins on HFC phasedown proposal
The US EPA is consulting on a recently announced proposal that sets out how it will phase down the use of hydrofluorocarbons (HFCs) in a range of products.

Formal publication of the proposed rule in the Federal Register kicked off a 45-day comment period that is scheduled to end on 6 July.

The American Innovation and Manufacturing (AIM) Act, signed into law late last year, calls for an 85% cut in the production and consumption of 18 types of HFCs by 2036. A final rule is due by 23 September.

EPA to hold environmental justice consultations for TCE, Perc TSCA risk management rules
The agency has asked the public to share environmental justice considerations to inform the development of TSCA risk management rules for trichloroethylene (TCE) and perchloroethylene (Perc).

It will hold identical consultation webinars on 16 June and July 6, during which it will allow public comment and provide an overview of the substances' risk evaluation findings and outline potential regulatory responses for managing identified risks. It will also accept written comments until 20 August.

The EPA is due to propose a risk management rule by November to address unreasonable risk identified in its final risk evaluation for TCE, and by December for Perc.

While these risk management activities continue, the agency is also reviewing the evaluations to "ensure they use the best available science and protect human health and the environment".

Agency may share TSCA new chemical statistics more frequently

The EPA has said that it may begin updating its page of TSCA new chemicals programme statistics more frequently.

The agency has been updating the webpage once per month for at least two years. This week, however, it added additional data off that monthly cycle week to reflect activity in the first half of May.

"While the agency's goal is to update these statistics at least once per month, EPA is also committed to making updates more frequently as needed," a spokesperson told Chemical Watch.

TSCA PMN receipts for April
The EPA received 23 TSCA pre-manufacture notices (PMNs) in March and 15 amendments to past PMNs, according to a 19 May Federal Register notice.

The agency also notified that for March it received:

one significant new use notice (Snun);
14 notices of commencement (NOCs); and
test data in support of five PMNs.
EPA adds PFASs to drinking water treatability database
The EPA has added drinking water treatment options for eleven per- and polyfluoroalkyl substances (PFASs) to a database it maintains to support decision-makers in managing the persistent chemicals in their communities.

The additions cover:

perfluoropentanesulfonic acid (PFPeS);
perfluorohexanesulfonamide (PFHxSA);
perfluorobutylsulfonamide (PFBSA);
perfluoro-4-methoxybutanoic acid (PFMOBA);
perfluoro-3-methoxypropanoic acid (PFMOPrA);
perfluoro-3,5,7,9-butaoxadecanoic acid (PFO4DA);
fluorotelomer sulfonate 4:2 (FtS 4:2);
ammonium 4,8-dioxa-3H-perfluorononanoate (ADONA);
perfluoro-4-(perfluoroethyl)cyclohexylsulfonate (PFECHS);
F-53B: a combination of 9-chlorohexadecafluoro-3-oxanone-1-sulfonic acid and 11-chloroeicosafluoro-3-oxaundecane-1-sulfonic acid; and
perfluoro-2-{[perfluoro-3-(perfluoroethoxy)-2-propanyl]oxy}ethanesulfonic acid, also known as Nafion BP2.
The update also incorporated 38 scientific references into the database's existing 26 PFAS entries.

"As EPA scientists and researchers evaluate technologies to remove PFASs from drinking water, we believe it's important to share this information," said Jennifer Orme-Zavaleta, acting assistant administrator for EPA's Office of Research and Development.

What would substance-wide TSCA risk determinations and other new approaches mean for stakeholders?
Kelly Franklin, Chemical Watch
https://chemicalwatch.com/267880/what-would-substance-wide-tsca-risk-determinations-and-other-new-approaches-mean-for-stakeholders

Recent policy shifts signalled by the US EPA on how it conducts TSCA risk evaluations could lead the agency to almost always determine that a substance poses an unreasonable risk and drive it to ban or severely restrict substances more frequently, several industry experts and former agency officials have said.

Moreover, the growing sense that the EPA will revisit some or all of its earlier risk evaluations is infusing a higher level of

uncertainty into the regulatory landscape.

The agency last week asked a federal appeals court overseeing a legal challenge to the EPA's final risk evaluation for methylene chloride to return the evaluation so it could "revisit" certain policy decisions made by the previous administration.

Most notably, the EPA's motion for voluntary remand, and accompanying declaration from acting chemicals office head Michal Freedhoff, spelled out that the agency would consider, at least in the context of methylene chloride:

transitioning to making a "binary determination" of whether the substance poses an unreasonable risk, rather than a use-by-use risk determination;
reconsidering assumptions made about workers' use of personal protective equipment (PPE); and
further examining certain potentially exposed or susceptible subpopulations or environmental exposure pathways previously excluded from the review.
The policy shifts, if enacted across the agency's existing chemicals programme, would reverse major Trump-era policy decisions and shift its approach towards a model that environmental and health advocates have supported for years.

And while industry experts who spoke to Chemical Watch agreed the move was not surprising in light of recent public statements and changes to the new chemicals programme, the adjustments could still have profound impacts on how the agency assesses and manages the risk that high-priority chemicals pose.

Ever-shifting landscape
The policy changes contemplated in the motion are largely consistent with the risk evaluation approaches that the petitioning organisations in the suit have previously asked the agency to follow.

Despite their general support for these measures, however, the petitioners have staked their opposition to the EPA's request for remand, according to the agency's motion.

The groups declined to comment on their position in advance of filing an opposition motion in the coming weeks.

But one reason they could be resisting the agency's move is to try to get the court to issue a ruling that will withstand the effects of future leadership shifts.

The agency's risk evaluation policies have fluctuated wildly in recent years, beginning with framework rules proposed under the Obama administration, final rules and the first ten risk evaluations issued under the Trump administration, and now a reassessment of those decisions in the Biden administration.

Erik Baptist, a partner at Wiley who previously held a leadership role in the chemicals office, said the pendulum only stops swinging "when the courts decide".

The decision for a new administration to take a look at past decisions is "wholly appropriate", said Alexandra Dunn, former assistant administrator of the Office of Chemical Safety and Pollution Prevention (OCSPP) and currently a partner at Baker Bott. "These are policy-based decisions, and in most cases, the language of the statute doesn't direct the precise manner, for example, of how conditions of use should work. And the statute certainly doesn't address things like the role of PPE."

There is an open question as to which administration has correctly read the law, said Herb Estreicher, a partner at Keller and Heckman. "Only a court can decide."

Substance-wide risk determination
Among the most significant changes the EPA has floated is the concept of making a single risk determination for a substance as a whole, rather than a risk finding for each of its conditions of use. Industry attorneys agreed that with this shift, if the EPA finds...

Dems tell EPA to do better on health warnings
Sean Reilly, E&E News
https://www.eenews.net/eedaily/2021/05/20/stories/1063733075?utm_campaign=edition&utm_medium=email&utm_source=eenews%3Aeedaily

Senate Democrats are prodding EPA to confront problems flagged by the agency's inspector general in communicating the health risks posed by ethylene oxide and other hazardous air pollutants.

In a letter released late yesterday, Sen. Tammy Duckworth (D-Ill.) and two other lawmakers called on EPA Administrator Michael Regan to address the inspector general's recommendations "that remain unresolved and update Congress on the development and implementation of these new critical operating standards and procedures."

The other signers were Senate Environment and Public Works Chair Tom Carper (D-Del.) and Senate Majority Whip Dick Durbin (D-Ill.)

They singled out three recommendations in particular, including one that urged creation of an interactive information forum for residents living near 25 "high priority" emitters of ethylene oxide, which EPA classifies as a carcinogen but is widely used to sterilize medical equipment.

While the agency has already agreed to some changes, the three lawmakers requested a briefing for their staffs by September on what steps have been taken, along with a discussion "on the resolution of any differences that remained between" the inspector general's recommendations and the "implemented corrective actions" taken by EPA's Office of Air and Radiation.

In a series of critical audits issued since last year, IG Sean O'Donnell's office has taken EPA to task for failure to adequately warn people of their potential risk from ethylene oxide inhalation and also faulted the agency's approach to updating air emission standards.

Particularly infuriating to Illinois lawmakers was a report released last month that found Trump administration appointees limited monitoring of plant emissions in the Chicago area and sat on information about residents' possible exposure to the toxic gas (E&E Daily, April 22).

But O'Donnell has run into resistance from the Biden administration in response to his most recent report urging new reviews of emission standards for ethylene oxide and another chemical to better account for their respective cancer risks. Acting EPA air chief Joe Goffman balked at fully accepting the report's four recommendations; as of early this month, the IG considered three of them unresolved (Greenwire, May 6).

Lawmakers pressure EPA, other agencies on PFAS
E.A. Crunden and Ariel Wittenberg, E&E News
https://www.eenews.net/eedaily/2021/05/20/stories/1063733043?utm_campaign=edition&utm_medium=email&utm_source=eenews%3Aeedaily

Lawmakers are escalating their efforts to crack down on "forever chemicals" amid a surge in momentum around the issue on Capitol Hill.

A bipartisan group of 11 senators sent a letter to the Food and Drug Administration yesterday calling for limits on per- and polyfluoroalkyl substances (PFAS) in bottled water.

That move coincided with the introduction of two new bills in the House this week also geared toward reining in PFAS contamination.

Lawmaker focus has largely been aimed at EPA, which is currently working to set drinking water standards for two compounds, PFOA and PFOS — the most researched PFAS.

But the senators' letter yesterday expands scrutiny to FDA, which has jurisdiction over bottled water and other drinks sold to consumers.

FDA has already resisted calls from the International Bottled Water Association to set limits of 5 parts per trillion for a single type of PFAS and 10 ppt for multiple PFAS in bottled water.

The trade group, which represents Danone SA and Nestlé SA, already requires its own members to meet that limit, which is lower than EPA's current guidance of 70 ppt of PFOA or PFOS in tap water.

The nine Democratic senators, led by Sen. Richard Blumenthal (D-Conn.) and accompanied by Maine Sens. Angus King (I) and Susan Collins (R), are asking FDA to step in and not wait for EPA to limit PFAS in tap water.

"Given the widespread persistence of PFAS in our environment and drinking water, many people have turned to bottled water to avoid adding toxic chemicals to their bodies," the senators wrote. "Establishing Standards of Quality for bottled water is an important step that will help ensure consumer confidence and protect public health."

They also said that IBWA's self-imposed limits show that achieving strict standards is possible for industry — a key benchmark for FDA regulation of toxins and human-made chemicals in food products (Greenwire, April 8).

"However, consumers can't be expected to know which brands are IBWA members and meet this standard," the letter stated. "A national FDA Standard of Quality will ensure that all consumers have access to safe drinking water."

New bills

The "Protect Drinking Water From PFAS Act," H.R. 3267, led by Rep. Brendan Boyle (D-Pa.), would require EPA to publish and promulgate a maximum contaminant level for "total" PFAS in drinking water.

H.R. 3267, which passed the House in 2019 under H.R. 2377 as part of larger PFAS legislation, would go beyond EPA's focus on PFOA and PFOS in targeting the family of thousands of chemicals more broadly.

"Every day the EPA delays setting enforceable limits on these chemicals is another day of exposure to dangerous 'forever chemicals' for many Pennsylvanians," said Boyle in a statement. "The more we look, the more contamination we find. The more we wait, the more we learn about the seriousness of these contaminants."

Rep. Paul Tonko (D-N.Y.), chairman of the Energy and Commerce Subcommittee on Environment and Climate Change, introduced H.R. 3291, focused on providing assistance to schools and water systems grappling with PFAS and lead contamination.

Public utilities have struggled considerably with costs relating to PFAS (E&E Daily, June 11, 2020). The bill would allocate $500 million from 2022 through 2031 for that assistance.

Co-sponsored by Energy and Commerce Chair Frank Pallone (D-N.J.), the legislation would also compel EPA to impose drinking water standards for PFAS, along with other toxic substances like 1,4-dioxane and microcystins.

Rep. Debbie Dingell (D-Mich.) this year reintroduced the "PFAS Action Act," H.R. 2467, which would enact broad mandates regarding the chemicals.

Action at EPA

The flurry of movement on the Hill coincides with an uptick in attention at EPA, where Administrator Michael Regan has promised PFAS will be a "top priority."

Yesterday, the agency announced new PFAS have been added to its drinking water treatability database to help communities identify contaminants and assess potential...

Greens threaten lawsuit over PVC waste management
Jacob Wallace, E&E News
https://www.eenews.net/greenwire/2021/05/20/stories/1063733131?utm_campaign=edition&utm_medium=email&utm_source=eenews%3Agreenwire

The Center for Biological Diversity said yesterday that it is preparing to sue EPA to trigger federal regulation of polyvinyl chloride, or PVC, as a hazardous waste.

The group first petitioned EPA to regulate PVC in 2014 and said it plans to sue the agency after it failed to respond in a timely manner. In the seven years since the group filed its initial petition, 49 billion pounds of PVC has been discarded in the United States, the center said.

"It's time to recognize PVC as one the most hazardous consumer products ever made," Emily Jeffers, an attorney with the center and former wildlife biologist, said in a statement. "People and wildlife are being harmed by toxic chemicals as this ubiquitous plastic is produced and degrades."

PVC is commonly used as plastic packaging and as a material for toys, building materials and other uses. The American Chemistry Council has called it one of the most widely used thermoplastics, alongside polyethylene.

But in its petition to EPA, the Center for Biological Diversity cited several studies that found that PVC leaches pthalate plasticizers and other chemicals over time, which can cause "developmental and behavioral abnormalities in humans and wildlife species."

EPA considers vinyl chloride itself to be carcinogenic to humans if inhaled.

The center's 2014 petition asked EPA to classify PVC as hazardous under the Resource Conservation and Recovery Act, which would trigger new waste management guidelines.

In its notice of intent to sue yesterday, the center said PVC is "managed in much the same way as food scraps and grass clippings after disposal."

EPA did not respond to a request for comment.

Judith Enck, a former EPA regional administrator and founder of Beyond Plastics, said regulating PVC as hazardous is a "long overdue" change.

She said the petition process that the center has been working through with EPA can be painfully slow but that a legal action would be a positive step toward change.

"What happens is as [petitions] sit there and time marches on, the science gets stronger," Enck said. "I'm glad they did this new filing."

The center's notice comes a week after Canada moved to classify all plastics as hazardous waste under its own environmental laws. The change could trigger a ban on certain kinds of single-use plastics in the country.

"As U.S. plastic production increases, federal officials urgently need to safeguard its disposal and protect our health," Jeffers said. "We can't keep ignoring this toxic time bomb."

Industry Seeks Narrow New York Dioxane Rule, Ducking EPA Preemption
David LaRoss, Inside TSCA
https://insideepa.com/tsca-news/industry-seeks-narrow-new-york-dioxane-rule-ducking-epa-preemption

Manufacturers of cleaning goods and personal-care products are each asking New York regulators to ease the path for companies to secure waivers from state limits on 1,4-dioxane in their products, sidestepping debate over whether the state rules are pre-empted by EPA.

Neither industry group that weighed in on the state's waiver process is raising the prospect of preemption based on EPA's Toxic Substances Control Act (TSCA) finding that 1,4-dioxane poses no "unreasonable risk" in consumer goods.

This continues the industry's focus on details of the New York State Department of Environmental Conservation's (DEC) program to limit the chemical to 2 parts per million (ppm) in certain consumer goods, which will go into effect at the end of 2022, rather than the prospect that it could be invalid under federal law.

For instance, the Personal Care Products Council (PCPC) in May 7 comments asks DEC to drop a proposed requirement for companies to provide documentation of their tests for 1,4-dioxane levels "as requested" in addition to separate requirements to certify "the concentration of 1,4-dioxane that is currently in each product for which a waiver is sought," and written "explanation" of each firm's approach to reducing those levels.

"Providing test results, test methods and laboratory names would add a third layer on top of these other requirements. And while it would only be 'if requested' by the agency, this additional requirement seems unnecessary and duplicative," PCPC writes.

Similarly, the American Cleaning Institute (ACI), the Consumer Brands Association (CBA), and the Household & Commercial Products Association, in joint April 30 comments, argue that product testing mandates would provide no insight into industry's ability to comply with the state's Environmental Conservation Law (ECL).

But as in past comment cycles on implementation of the ECL, both industry letters to DEC on the waiver issue avoid any mention of EPA's handling of 1,4-dioxane under TSCA, even though several groups that signed the comments backed the Trump administration's early steps toward preemption.

Specifically, the agency found that 1,4-dioxane poses no unreasonable risk to the general population, including in eight individual determinations related to "uses" of the chemical as a byproduct in consumer products like household cleaners. Under the 2016 reforms to TSCA, that finding sets up preemption of state laws or rules regulating those same uses, subject to some exclusions.

Several industry groups including ACI and CBA supported adding those uses to the evaluation, and the move was seen at the time as a way to preempt state-level regulations planned by New York and California.

However, even after EPA finalized its evaluation finding no risks warranting regulation from 1,4-dioxane in products, New York has gone ahead with implementing its limits for many of those products. That could set up the first-ever test of TSCA's preemption provisions, but stakeholders in the process have not overtly acknowledged the potential for that clash, and the trade groups themselves have declined to comment on it.

Meanwhile, EPA itself is weighing reopening some or all of the 10 Trump-era TSCA evaluations, which could allow it to overturn the risk findings on consumer products or replace the use-by-use risk determinations with a single "binary" finding for the chemical as a whole -- an approach officials plan to take for methylene chloride and which could muddy

any case for preemption.

Stakeholders' Comments

Instead, the industry groups use their comments to target specific elements of the waiver process they say are too stringent or impose an unreasonable compliance burden, such as PCDC's call for DEC "to remove any language that makes the granting of the waiver appear to be discretionary" and instead state that any manufacturer that submits a timely request with the required justification "will qualify for a waiver."

And the three trade groups' joint...

Environmentalists Attack Industry's 'Negligence' In Call To Tighten PBT Rules
Maria Hegstad, Inside TSCA
https://insideepa.com/tsca-news/environmentalists-attack-industry-s-negligence-call-tighten-pbt-rules

Environmental groups are pushing back on industry calls to loosen EPA's TSCA rules governing five persistent, bioaccumulative and toxic (PBT) chemicals, saying the widespread difficulty eliminating use of a key flame retardant is due to several sectors' "inexcusable negligence" in preparing for the new limits rather than any fault in the policy.

In joint May 17 comments, three groups argue that industry has shown "no evidence to date" to support calls for loosening or greatly delaying enforcement of its limits on the flame retardant phenol, isopropylated phosphate (3:1), or PIP, despite arguments from a variety of sectors that they will be unable to find a replacement before the agency's "no-action assurance" halting enforcement of many PIP restrictions is set to expire in mid-September.

"We have seen no evidence to date that the current compliance date (as extended by six months through the No Action Assurance) is 'impracticable' and urge EPA to reaffirm that date until and unless industry can make a compelling case for more time under section 6(d)" of the Toxic Substances Control Act (TSCA), reads the letter, which is signed by Safer Chemicals Health Families, Defend Our Health and Natural Resources Defense Council.

The groups argue that EPA should not have rewarded industry's "inexcusable negligence" by loosening implementation of the PIP rule, which was originally slated to take effect on March 8.

"We believe this application of enforcement discretion was unwarranted under EPA policies in light of industry's extreme lack of diligence in tracking, let alone complying with, these prohibitions and the risk of harm to health and the environment in delaying compliance, which EPA inexplicably ignored when issuing its No Action Assurance," the comments say.

EPA's PBT rules, which it finalized on Jan. 6, generally bar use or distribution of the five chemicals either on their own or as components in finished articles, subject to several exclusions. While there has been little industry opposition to phasing out four of the chemicals, the limits on PIP caught a host of sectors from retailers to equipment manufacturers by surprise, in part because the agency has rarely used TSCA to regulate chemicals in articles or products.

Officials responded to those objections by granting a six-month no-action assurance but also opening a new round of public input on all five PBT rules to inform potential changes, prompting the new comments from environmentalists as well as a renewed industry push for broader exclusions and long-term enforcement relief.

The environmentalists say industry's last-minute response to the rule is "unfathomable," and EPA should not reward the companies by loosening its policy.

Trade groups "made no effort to alert the Agency to its concerns until after a final rule was in place 7 years [after EPA placed PIP on its TSCA work plan of priority chemicals]. It is unfathomable why well-staffed industry associations based

in Washington DC should be excused from reading the Federal Register, filing comments and responding to EPA's requests for information -- elementary tasks that our underfunded organizations and other commenters had no trouble performing during the PBT rulemaking," the environmentalists say.

A 'Higher Level Of Evidence'

They continue that EPA should never have granted the original enforcement stay and should refuse any further requests as well.

"Our groups strongly oppose the exercise of enforcement discretion to further extend the rule's compliance date for PIP (3:1)-containing articles. This mechanism is not only unjustified under EPA policy but deprives the public of the opportunity to comment and seek judicial review," the comments say.

"EPA's reliance on enforcement discretion in this instance rewards industry for ignoring the rulemaking process and sets a precedent that will weaken future compliance with environmental laws."

Bob Sussman, counsel to Safer Chemicals Healthy Families and a...

Vermont Adopts Novel PFAS Ban As Industry Downplays Chemicals' Use
Diana DiGangi, Inside TSCA
https://insideepa.com/tsca-news/vermont-adopts-novel-pfas-ban-industry-downplays-chemicals-use

Vermont has adopted a first-in-the-nation law banning per- and polyfluoroalkyl substances (PFAS) in several categories of consumer products, just as manufacturers are claiming that PFAS are less widely used than supporters of such policies say -- citing figures that show hundreds, rather than thousands, of the substances in commerce.

The state's Gov. Phil Scott (R) on May 19 signed into law the bill that "bans PFAS chemicals from firefighting foam, food packaging, ski wax, and carpets, rugs, and stain-resistant treatments," according to a press release from environmental group Toxic-Free Future (TFF).

The bill defines bans products in those categories that incorporate PFAS, which it defines as "a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom." That is the same language used by the international Organisation for Economic Co-operation and Development (OECD), which has emerged as a model for several state and private efforts to set a unified definition of PFAS.

Vermont's law drew unanimous support from its legislature, and goes beyond measures recently enacted in several states including Washington, New York, and Maine, which have advanced phaseouts of PFAS in food packaging that will start taking effect in December 2022.

It will instead ban PFAS in several categories of products, with effective dates beginning on July 1 of this year and ranging as far in the future as July 1, 2023 for restrictions on carpeting, ski wax and food packaging.

For each type of item, the law says, "A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State" products "to which PFAS have been intentionally added in any amount."

TFF and other environmental groups are already praising the measure as a model for other states, and an avenue to pressure manufacturers to drop perfluorinated chemicals even in states that do not restrict them.

"This ground-breaking policy has an impact beyond Vermont's borders. It sends a strong message to the chemical industry and manufacturers that PFAS have no place in products," Sarah Doll, national director of the Safer States

campaign for state-level chemical policies in TFF's press release. "Vermont's leadership is part of a growing movement around the country to act upstream and prevent PFAS contamination before it happens."

She added, "other states are well-positioned to join this movement in the future."

But even as PFAS opponents have built momentum for new limits on the substances' use, manufacturers are pushing back -- including through a new study that argues for a narrower definition of the chemical class than the OECD test that Vermont used, and claims that there are far fewer PFAS in active use than environmentalists say -- listing just 256 "commercially relevant" PFAS rather than the 4,730 other researchers have found.

'Too Vast'

The study, "Identification and Classification of Commercially Relevant Per- and Poly-fluoroalkyl Substances (PFAS)," was published May 14 in the journal Integrated Environmental Assessment and Management and argues that a 2018 report from OECD and the United Nations Environment Programme (UNEP) that found 4,730 PFAS in commerce is "too vast."

The report "inappropriately includes substances that were produced in miniscule amounts for research purposes, that were never commercialized, that have been phased out of production, or are regulated by other authorities (e.g. pesticides; pharmaceuticals, refrigerants)," says a joint release from chemicals makers AGC Inc., the Chemours Company, and Daikin America, Inc, which backed the new paper.

"The study identified and classified 256 commercially relevant PFAS as of December 2019 that were defined by the three company participants," a release from the companies about the paper says. "The authors stated that while this number does not reflect the totality of PFAS around the world, it does...

Bayer Questioned by Judge on Future Claims Settlement Plan (3)
Joel Rosenblatt, Bloomberg Law
https://news.bloomberglaw.com/environment-and-energy/bayer-judge-questions-plan-for-resolving-future-roundup-claims?usertype=External&bwid=00000179-85c6-d891-a1f9-87ded82f0003&qid=7110745&cti=FGOV&uc=1320000080&et=NEWSLETTER&emc=neve_nl%3A7%3Fsource%3Dnewsletter&item=headline®ion=featured-story&access-ticket=eyJjdHh0IjoiTkVWRSIsImlkIjoiMDAwMDAxNzktODVjNi1kODkxLWExZjktODdkZWQ4MmYwMDAzIiwic2lnIjoiWkpvT3piK3BHR1R6VmpkNEFPMVZBRzdYUmVzPSIsInRpbWUiOiIxNjIxNDU0NDM2IiwidXVpZCI6IlRRaTViYnFNYThPWlJSZzgxdkhmeGc9PXJBaTJvak5aL2s4eWdlcUduamF3d3c9PSIsInYiOiIxIn0%3D

Bayer AG faced probing questions from a judge over its plan to pay as much as $2 billion to resolve future lawsuits over claims that its Roundup weed killer causes cancer.

Bayer and lawyers representing consumers presented the deal Wednesday to U.S. District Judge Vince Chhabria in San Francisco, who last year rejected a $1.25 billion proposal.

The settlement is part of a broader $11.6 billion agreement to resolve Roundup lawsuits from about 125,000 consumers and farmers in the U.S. Another piece of the broader accord -- $650 million for hundreds of U.S. cities, counties and ports suing over toxic PCB contamination -- faced pushback from a federal judge in Los Angeles. There, too, Bayer and lawyers representing plaintiffs have been sent back to the drawing board multiple times.

The litigation over both Roundup and PCBs remains a lingering obstacle for Bayer from its purchase of Monsanto Co., as the settlement process drags on and more lawsuits over the weed killer pile up almost daily. Bayer shares showed little change Thursday in Frankfurt trading.

Before the hearing, Chhabria listed in a written order what he called "big-picture concerns" about the settlement. If

those are "meaningfully addressed," the judge wrote, he'll turn to "the many smaller questions" the deal presents at another hearing.

Bloomberg Intelligence: Bayer $2 Billion Roundup Proposal's Odds of Approval Look Dicey

Chhabria expressed concern about what happens to consumers who are exposed to Roundup but are not yet diagnosed with non-Hodgkins lymphoma – and may not be for a decade or longer. The judge expressed skepticism of a proposed medical monitoring program and compensation fund ending four years after the settlement.

"There's no reason for me to believe there's going to be any compensation for me as a result of this settlement," Chhabria said, referring to the not-yet diagnosed consumers.

Bayer said after the hearing it appreciates the court's direction.

"It is common for courts to request some adjustments to class settlement agreements like this and we are confident that, working with class counsel, we will be able to address the matters raised by the court," the German company said in an email.

The judge spent a large portion of the hearing trying to size up the threat of a U.S. Supreme Court ruling that could potentially wipe out outstanding Roundup lawsuits.

Read More: Bayer Deal Pays Roundup Plaintiff to Keep Fighting in Court (1).

"By far the greatest litigation risk is that the Supreme Court would rule at some point that these state law claims are preempted, and that they would have no claim whatsover."

Numerous consumers have objected to the settlement on a variety of grounds, saying that revisions to the earlier, rejected proposal aren't good enough.

One point of contention is whether consumers are being misled about the compensation they're entitled to receive.

Objectors say that while the deal touts a payoff of as much as $200,000 per person, the plan sets up "extensive roadblocks" to bar anyone from getting more than $65,000.

Under the terms of the settlement, all litigation is put on hold for four years while a science panel reviews the evidence linking Roundup to cancer.

Wednesday's Los Angeles hearing over PCBs marked the third time U.S. District Judge Fernando Olguin has declined to approve a proposed class settlement. He said he's still concerned about a claims filing deadline within the plan and $98 million slated for attorneys' fees and costs.

"We're getting much closer, but I still have some concerns," Olguin told lawyers in a teleconference. "We're getting there."

The suit was filed by a group of more than 2,500 local government entities, including the cities of Los Angeles, Seattle and Oakland, California. They sued in 2016, the same year Bayer bought Monsanto and found itself defending itself against a blizzard of lawsuits over the chemical company's production of PCB -- or polychlorinated biphenyl -- which...

EPA Wants Roundup Redo
Emily Unglesbee, DTN Progressive Farmer
https://www.dtnpf.com/agriculture/web/ag/crops/article/2021/05/19/biden-epa-asks-court-chance-decision

ROCKVILLE, Md. (DTN) -- The Biden EPA has asked a federal court for a chance to review and possibly revise parts of the agency's 2020 interim decision to re-register glyphosate (Roundup) while leaving the herbicide on the market.

EPA's request was filed Tuesday in the U.S. Court of Appeals for the Ninth Circuit, where it is facing a combined lawsuit from a coalition of farmworker and environmental groups, who are asking the court to vacate the registration of glyphosate entirely.

Specifically, EPA wants to reconsider its analysis of glyphosate's ecological risks and other costs of the herbicide and re-weigh them against the herbicide's benefits. However, EPA was clear in the filing that the agency will not reconsider its analysis of glyphosate's human health risks -- the source of several successful lawsuits against glyphosate's primary registrant, Bayer. The agency says it is standing by its conclusions that, as registered, glyphosate doesn't pose major risks to human health and "believes that this component of its analysis should be sustained by this Court."

WHAT IT MEANS TO FARMERS

If EPA's request is granted by the court, it will not remove glyphosate from the market. The request is for "partial voluntary remand without vacatur," which means the herbicide would remain legally registered while the agency reviews and perhaps revises parts of its registration decision.

It's not clear how long this revision process would take, and it isn't certain that the court will grant it. First, the plaintiffs will get a chance to respond, and then the three-judge panel will decide.

HOW DID WE GET HERE?

Under the Trump administration, EPA had issued an interim decision in January 2020 to re-register glyphosate, with some minor changes to labels and use restrictions. By March, a group of farmworker and environmental groups -- including the Center for Food Safety, Natural Resources Defense Council, Beyond Pesticides, Rural Coalition, Farmworker Association of Florida and Organizacion en California de Lideres Campesinas -- had filed two (now combined) lawsuits, accusing the agency of neglecting to adequately assess the herbicide's risks to human health and endangered species. (See the DTN story here: .)

Later that year, in November, EPA released its own assessment of glyphosate's risk to endangered species, a draft biological evaluation that found that the herbicide is "likely to adversely affect" 1,676 listed species and 759 critical habitats, the vast majority of the species and habitats it considered. (See the DTN story here: .)

The lawsuit's plaintiffs immediately seized on those findings and cited them when they filed their opening brief a month later, just before Christmas. (See the DTN story here: .)

Now, EPA wants a chance to voluntarily reconsider its registration decision in light of a number of developments over the past year, including those draft biological evaluation findings. "While EPA cannot prejudge the outcome of its analysis, it may be that the results of EPA's biological evaluation lead it to adopt additional or different mitigation measures than those specified in the Interim Decision," the agency's petition to the court said.

EPA also asked to consider how its glyphosate registration might be affected by two other recent decisions by the Ninth Circuit. First, it cited the Ninth Circuit's ruling in July that upheld the Enlist Duo registration but ordered EPA to fix its assessment of the glyphosate-and-2,4-D premix's risk to monarch butterflies. (See the DTN story here: .)

The second decision that could affect EPA's glyphosate decision is the Ninth Circuit's June 2020 decision to vacate three dicamba herbicides' registrations, citing the environmental, social and economic costs of off-target movement of those herbicides. EPA was somewhat cryptic on how this decision -- which sent shockwaves through the ag industry last year -- might change its approach to glyphosate, stating only...

EPA Admits to Faulty Glyphosate Review Under Trump but Still Won't Take It off U.S. Market
Kenny Stancil, EcoWatch (Common Dreams)
https://www.ecowatch.com/epa-glyphosate-roundup-trump-biden-2653049045.html

The Center for Food Safety on Wednesday denounced the Biden administration's Environmental Protection Agency (EPA) for arguing that Roundup should remain on U.S. shelves for an undisclosed period of time even after admitting that the Trump-era review of glyphosate — the key ingredient found in Roundup, the world's most widely used herbicide — was flawed and requires a do-over.

In its federal court filing requesting to redo the Trump administration's faulty assessment of glyphosate, the EPA failed to provide a deadline for a new decision; instead, the agency maintained that Roundup — created by agrochemical giant Monsanto, which was acquired in 2018 by the German pharmaceutical and biotech company Bayer — should stay on the market in the meantime.

The EPA's request comes as it faces two lawsuits, including one brought by a coalition of farmworkers and environmentalists represented by the Center for Food Safety (CFS), that seek to reverse the Trump EPA's approval of glyphosate, a decision that was made despite evidence that the substance — described by the World Health Organization as "probably carcinogenic" — poses threats to human health and to pollinators such as bumblebees and monarch butterflies.

"Rather than defend its prior decision, at the 11th hour EPA is asking for a mulligan and indefinite delay, despite having previously spent far too long, over a decade, in re-assessing it," CFS legal director George Kimbrell said Wednesday in a statement. "Worse, EPA admits its approval risks harms to farmers and endangered species, but makes no effort to halt it."

According to CFS:

EPA is required by law to re-assess each pesticide every 15 years in a process known as registration review. EPA completed part of its registration review of glyphosate in 2020, designating it an "interim" decision because it had failed to assess glyphosate's impacts to endangered species, or complete other key assessments, such as glyphosate's potential to disrupt hormonal systems and harm pollinators. The 2020 interim decision represented EPA's first comprehensive assessment of the herbicide since 1993.
After the ongoing lawsuits and the agency's most recent biological evaluation identified the deleterious social and environmental impacts of glyphosate, the EPA "admits it can no longer affirm glyphosate's putative benefits outweigh its risks and costs, or that measures imposed to mitigate risks are at all effective," CFS noted.

Some of the harmful effects of glyphosate, according to CFS, include a heightened risk of cancer among farmworkers and others who spray glyphosate-based herbicides or are nonetheless subjected to it as a result of "off-field drift." Moreover, farmers must contend with the development of glyphosate-resistant superweeds, the organization said.

In addition, CFS noted, because Roundup kills the milkweed on which monarch butterflies rely for survival, it poses a danger to the once-ubiquitous pollinators. And before it suggested that Roundup continue to be sold in the U.S. for an unspecified period of time, the EPA found that the herbicide is likely to adversely affect 93% of exposed species under the Endangered Species Act as well as 96% of their critical habitats.

In his statement, Kimbrell said that "we will ask the court to deny this extraordinary request to paper over glyphosate's ecological harms only to approve it anyway down the road."

"Time to face the music, not run and hide," he added.

Federal Appeals Court Directs EPA to Decide on Harmful Pesticide
Hank Lacey, Law Week Colorado
https://lawweekcolorado.com/article/federal-appeals-court-directs-epa-to-decide-on-harmful-pesticide/

A federal appeals court has likely ended a decade-plus long battle over a commonly used pesticide linked to neurological defects in children. The 9th Circuit Court of Appeals ruled in late April that the Environmental Protection Agency must act promptly to deem chlorpyrifos safe for human exposure or ban the product.

The court in its April 29 decision held that the Federal Food, Drug, and Cosmetic Act requires EPA to examine existing scientific findings in deciding whether the substance poses any risk to human brain development. The import of the decision, said Shaun Goho, deputy director and senior staff attorney of the Emmett Environmental Law and Policy Clinic at Harvard Law School, is that EPA must decide whether chlorpyrifos pesticides should be banned without claiming that toxicological impacts are not sufficiently understood to make a determination.

Chlorpyrifos was first marketed in the U.S. in 1965 and belongs to a type of chemical substance called organophosphates, which have been used as pesticides for roughly 80 years but were also used as neurotoxins during WWII. During the 1990s, EPA began to restrict chlorpyrifos' uses, forbidding application for most residential purposes and on tomatoes by 2000, but the substance is still among the most commonly used pesticides in the country. It continues to be commonly used on corn crops but is also applied to broccoli, Brussels sprouts, cauliflower, cranberries and soybeans, as well as to fruit and nut trees, according to an EPA webpage. The pesticide is also used on golf courses and turf, to treat wood products, including fence posts and utility poles, and to control bark beetles and other tree pests. In some circumstances, it is applied as an anti-mosquito agent and as ant and cockroach bait.

"There's obviously some judgment in terms of how you determine what's safe," said Goho, who filed an amicus brief on behalf of several organizations of healthcare professionals. "You can never have 0% risk from anything in the world, so that can't be the level. ... The court is saying that, based on your standards for what counts as safe, you have to say if the exposures are safe," he continued. "If you can't say that they're safe, based on your standards, then you need to ban the uses on food crops."

Pesticides applied to food crops must receive a tolerance from EPA before they may be used because, without that exemption, the food would be "adulterated" under the FFDCA. The statute provides that EPA "may establish or leave in effect a tolerance for a pesticide chemical residue in or on a food only if [it] determines that the tolerance is safe." In September 2007 a coalition of organizations led by Natural Resources Defense Council and Pesticide Action Network North America filed a petition to revoke all tolerances applicable to chlorpyrifos, arguing that EPA's allowance of uses failed to take account of medical research showing that damage to the developing brain occurs in the presence of a concentration of the pesticide far below the level authorized by the agency.

Procedural wrangling that included four 9th Circuit decisions followed as EPA avoided making a decision on the merits of that petition, but EPA eventually acknowledged the accuracy of that claim. The agency wrote in a 2016 revision of the Human Health Risk Assessment applicable to chlorpyrifos that nine medical studies are "sufficient evidence that there are neurodevelopmental effects occurring at chlorpyrifos exposure levels below that required for AChE inhibition." AChE — the enzyme acetylcholinesterase — is involved in the regulation of nervous system function.

EPA's Federal Insecticide, Fungicide, and Rodenticide Act Science Advisory Panel had also concluded in 2012 that "chlorpyrifos likely plays a role in impacting the neurodevelopmental outcomes" documented in three medical studies and, in 2008, determined that "maternal chlorpyrifos exposure would likely be associated with adverse neurodevelopmental...

Pesticide laws fail to protect the most vulnerable people in agriculture: children

Lela Nargi, The Counter
https://thecounter.org/pesticide-laws-fail-protect-agriculture-children-development-epa-wps/

Two new studies highlight the hazardous conditions inherent in farm work, and show the weakness in standards meant to protect kids from developmental disorders and disease.

As a child growing up on his family's subsistence farm in Puebla, Mexico, Abel Luna loved helping to plant corn and other crops. But in 2001, when he turned 13, his enthusiasm quickly evaporated. That's when Luna began traveling to New York's black dirt region to "sell his labor," working alongside his father in commercial vegetable crop fields. Where once he took pride in "growing [our] own food at [our] own pace," he now began working 14-hour or longer days from February through November. In addition to a grueling schedule and poor living conditions, Luna remembers "pretty much a lack of every kind of equipment that you need": gloves, glasses, and masks to protect him from contact with agricultural chemicals. A day spent picking tomatoes would end with his arms sticky from pesticide residue, hands burning, eyes itching. Furthermore, he said there was "no one from any health agency to talk about pesticide exposure or any rights that you have."

Luna's experience is hardly an anomaly. Two new studies, from the Vermont Law School's Center for Agriculture and Food Systems (CAFS) and the Johns Hopkins Center for a Livable Future (CLF), exhibit just how susceptible all migratory farm workers are to dangers like pesticide exposure. Some states, like Washington and California, have implemented legislation that's meant to better protect farm workers from such hazardous conditions. But a closer look reveals that existing laws at both state and federal levels largely fail to protect those most in need of intervention: the (likely under-)estimated 524,000 children, some as young as 10, many of whom are migrants, laboring every year on U.S. farms. Beyond that, Luna, who's now campaign coordinator at worker organizing non-profit Migrant Justice, said there's a huge disparity between what the laws we do have mandate and "making it happen on the ground. To make sure farms are compliant—it's impossible."

Young, non-worker children brought to farms by parents who can't afford daycare are also at risk, as are in utero fetuses of pregnant workers.

Children in farming can work as long and as hard as adults, often for less money. A 16-year-old can work pretty much any farm job, while in many states, 12-year-olds can legally work on any farm with a parent's permission as long as they don't miss school (Luna did not attend school while working, testament to how lax enforcement is). Generally speaking under the Fair Labor Standards Act, an employer can pay a youth minimum wage of no less than $4.25/hr to employees under the age of 20 for the first 90 consecutive days of work, although they might not even pay that.

Regardless of age, child farm workers are exposed to chemicals in the same ways as adults, inhaling them in the field and absorbing them through their skin. And it's not just working kids who are exposed. Young, non-worker children brought to farms by parents who can't afford daycare are also at risk, as are in utero fetuses of pregnant workers. At farm-adjacent migrant camps, children may inhale pesticide drift, or be exposed to chemical residue on their parents' clothing.

And yet, children, with their developing brains and metabolic rates that are slow to expel chemicals from their bodies, are significantly more sensitive to pesticides, and more prone to suffer their toxic effects. Organophosphates like chlorpyrifos have been linked to developmental disorders, while atrazine has been found to cause birth defects. Exposure to various pesticides both in utero and in children has also been linked to ADHD, autism spectrum disorder, and cancers like childhood leukemia. A recently published long-term study of now-banned DDT clearly indicates that some pesticides have the potential to affect children and grandchildren of those initially exposed, leading that...

EPA OPPT Strategic Plan for FYs 2021-2023 Outlines Six Priority Areas
Lynn Bergeson and Carla Hutton, Bergeson & Campbell Blogs
http://www.tscablog.com/entry/epa-oppt-strategic-plan-for-fys-2021-2023-outlines-six-priority-areas

The U.S. Environmental Protection Agency (EPA) has prepared a strategic plan for the Office of Pollution Prevention and Toxics (OPPT) for fiscal years (FY) 2021-2023. The strategic plan outlines how OPPT intends to fulfill its obligations under the Toxic Substances Control Act (TSCA), the Emergency Planning and Community Right-to-Know Act (EPCRA), the Pollution Prevention Act (PPA), and related EPA policies and procedures "in ways that value science, protect people and the environment, and increase transparency for stakeholders and the general public." The strategic plan includes new vision, mission, and values statements for OPPT. Priority areas include:

New Chemicals: The New Chemicals Program manages potential risks to human health and the environment from chemicals new to the marketplace. The program identifies conditions to be placed on the use of new chemicals before they enter into commerce;
Existing Chemicals: TSCA requires EPA to evaluate the safety of existing chemicals through prioritization, risk evaluation, and risk management. Ensuring the safety of existing chemicals requires collecting and analyzing information about the chemicals, developing additional information, conducting analyses to evaluate risk, and taking regulatory action on proper conditions of use for each chemical;
Pollution Prevention/Safer Choice/Toxics Release Inventory (TRI): OPPT supports a suite of programs that are intended to reduce, eliminate, or prevent pollution at its source as an alternative to pollution control and waste disposal. Safer Choice helps consumers, businesses, and purchasers find products that contain ingredients that are safer for human health and the environment. The TRI Program collects information to track industry progress in reducing waste generation and moving toward safer waste management alternatives;
Transparency and Stakeholder Engagement: OPPT is committed to providing the public with the information needed to understand EPA's chemical evaluations. It continually seeks more productive means of engaging with interested stakeholders through public comment during rulemaking, Federal Advisory Committee Act (FACA) workgroups, and other means;
Human Capital: OPPT strives to provide a healthy and supportive working environment, support for career development, and communication on issues that are important to its colleagues. It closely collaborates with its partners in the Office of Chemical Safety and Pollution Prevention's (OCSPP) Office of Program Support to ensure that the basics of being an OPPT employee, such as timekeeping, personnel actions, and equipment, are easy to manage; and
Efficiency and Enabling Tools: OPPT's priority areas depend on a wide range of data from manufacturers, researchers, and the public. Its employees need to know how to work with these data and to have access to tools that facilitate access to and analysis of these data. OPPT is committed to increasing its ability to manage projects effectively through a unified approach that ensures timely deliverables, increases its ability to track its work, and simplifies its processes.

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And while you're reading…. Remember to shoot your coworkers a shooting star!
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